

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANK McCLELLAN,

Plaintiff,

-against-

CITY OF RENSSELAER and STEVEN
SMITH, Individually and in his
official capacity as Police Officer of
The City of Rensselaer,

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Civil Case No. 02-CV-1141
(GLS/DRH)

Defendants.

Motion By:	Defendant, Steven Smith, Individually and in his official capacity as Police Officer
Date, Time & Place of Hearing:	July 15, 2004 at 10:00 a.m. at the U.S. District Court for the Northern District of New York, James T. Foley Courthouse, Albany, New York
Supporting Papers:	Affidavit of Gregory S. Mills, Esq., Affidavit of Steven Smith, Statement of Material Facts, and Memorandum of Law
Nature of Action:	False Arrest, Malicious Prosecution, Unlawful Search/Seizure, Unlawful Imprisonment under 42 USC §1983
Relief Demanded:	An Order pursuant to Fed.R.Civ.P. Rule 56(c) granting Summary Judgment to the Defendant dismissing Plaintiff's Complaint on the merits and with prejudice as a matter of law, and for such other and further relief as to the Court may seem just and proper.
Answering Papers:	Pursuant to Local Rule 7.1(b), opposing papers shall be served not less than seventeen (17) days prior to the return date of this Motion.

DATED: June 1, 2004
Clifton Park, New York

Respectfully submitted,

THE MILLS LAW FIRM, LLP

BY: _____

GREGORY S. MILLS

Bar Roll No. 103471

Attorneys for Defendant, Steven Smith

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